

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

**ASHLEY FOSTER and ERICA MORGAN,
Each Individually and on Behalf of all
Others Similarly Situated**

PLAINTIFFS

vs.

No. 4:18-cv-217-KGB

**GRADY'S PIZZA & SUBS, INC.,
d/b/a GRADY'S RESTAURANT**

DEFENDANTS

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW Plaintiffs Ashley Foster and Erica Morgan, by and through their attorneys, and Defendant, by and through its attorneys, and for their Joint Stipulation of Dismissal with Prejudice, state as follows:

1. The parties file this stipulation of dismissal with prejudice pursuant to Rule 41(a)(1)(A)(ii), which allows a case to be dismissed by stipulation if signed by all parties who have appeared.

2. Courts in both the Eastern and Western Districts of Arkansas have agreed that courts are not required to review a settlement under the Fair Labor Standards Act where "(1) the lawsuit is not a collective action; (2) all individual plaintiffs were represented by an attorney from the time of the filing of the complaint through the conclusion of subsequent settlement negotiations; and (3) all parties have indicated to the Court in writing through their attorneys that they wish for their settlement agreement to remain private and that they do not wish for any reasonableness review of their

settlement to occur.” *Schneider v. Habitat for Humanity Int’l, Inc.*, No. 5:14-cv-5230, 2015 U.S. Dist. LEXIS 14679, at *7 (W.D. Ark. Feb. 5, 2015) (Brooks, J.); see also *Adams v. Centerfold Entm’t Club, Inc.*, No. 6:17-cv-6047, 2018 U.S. Dist. LEXIS 187750, at *2–3 (W.D. Ark. Nov. 2, 2018) (Hickey, J.) (dismissing case without reasonableness review because three factors from *Schneider* were met); *Perez v. Garcia*, No. 4:16-cv-81 KGB, 2016 U.S. Dist. LEXIS 165788, at *2 (E.D. Ark. Dec. 1, 2016) (Baker, J.) (same) (citing *Martin v. Spring Break ’83 Prods., L.L.C.*, 688 F.3d 247, 256 (5th Cir. 2012)).

3. The parties have entered into a confidential settlement of this case.

4. This lawsuit is not a collective action. No class or collective was certified under the Federal Rules of Civil of Procedure, and the settlement agreement does not resolve any claims of putative collective members who did not opt-in to the FLSA collective action.

5. Plaintiffs were represented by an attorney from the beginning of the case through the conclusion of settlement negotiations.

6. The parties wish for their agreement to remain private and do not wish for any reasonableness review to occur.

WHEREFORE, premises considered, the parties request this Court to dismiss this case with prejudice and grant all other necessary and proper relief.

Respectfully submitted,

**ASHLEY FOSTER and ERICA MORGAN,
PLAINTIFFS**

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